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April 27, 2015

To: Mayor Michael D. Antonovich
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

From: Sachi A. Hamai
Interim Chief Executive Officer

Board of Supervisors
HILDA L. SOLIS
First District

MARK RIDLEY-THOMAS
Second District

SHEILA KUEHL
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

MOTION TO SUPPORT SB 485 (HERNANDEZ) AND INSTRUCT THE INTERIM CHIEF EXECUTIVE OFFICER TO SEND A FIVE-SIGNATURE LETTER TO MEMBERS OF THE LEGISLATURE COMMUNICATING THE BOARD'S SUPPORT OF SB 485 (ITEM NO. 43-B, AGENDA OF APRIL 28, 2015)

Item No. 43-B on the April 28, 2015 Agenda is a motion by Supervisor Kuehl to support **SB 485 (Hernandez)**, legislation which would give the Los Angeles County Sanitation Districts the legal authority to assist local municipalities throughout the County in stormwater and dry weather runoff management projects, and instruct the Interim Chief Executive Officer to send a five-signature letter to members of the Legislature communicating the Board's support of the bill.

Background

The County Sanitation District Act authorizes a sanitation district to acquire, construct, and complete certain works, property, or structures necessary or convenient for sewage collection, treatment, and disposal. The Sanitation Districts of Los Angeles County (LACSD) are organized pursuant to the County Sanitation District Act and are authorized under statute to manage wastewater and solid waste. Current law does not grant authority to LACSD to manage stormwater.

The Sanitation Districts of Los Angeles County is a group of 24 special districts created in the 1920s by statute for the express purpose of wastewater management. Each Sanitation District has a Board of Directors consisting of the mayor of each city and the

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Chair of the Board of Supervisors for unincorporated areas of the County. To maximize efficiency and reduce costs, the 24 Sanitation Districts work cooperatively under a Joint Administration Agreement with one administrative staff. Each Sanitation District pays its proportionate share of joint administrative costs.

SB 485 (Hernandez)

SB 485 (Hernandez), which as introduced on February 26, 2015, would authorize specified sanitation districts in the County of Los Angeles, to acquire, construct, operate, maintain, and furnish facilities for the diversion, management, and treatment of stormwater and dry weather runoff, the discharge of the water to the stormwater drainage system, and the beneficial use of the water. The bill would also make legislative findings and declarations as to the necessity of a special statute for the County of Los Angeles. According to the author's office, SB 485 would allow the LACSD to assist local jurisdictions in Los Angeles County in stormwater and dry weather runoff management projects.

The Department of Public Works (DPW) reports that SB 485 would be specific to the Sanitation Districts of Los Angeles County (LACSD) and is similar to statutory language in Health and Safety Code Section 4730.66, chaptered in 2002, which only applies to the Orange County Sanitation District. SB 485 would supplement the existing powers of the LACSD and would allow each District to acquire, construct, operate, maintain, and furnish facilities for all or any of the following purposes:

- Diversion of stormwater and dry weather runoff from the stormwater drainage system;
- Management and treatment of stormwater and dry weather runoff;
- Discharge of the water to the stormwater drainage system or receiving waters; and
- The beneficial use of the water.

The Department of Public Works also indicates that the bill would specify that jurisdictions are not required to participate in projects done pursuant to this authority and that nothing in this legislation is intended to change any existing or established water rights, adjudicated rights, or obligations under the Service Duplication Act.

The Department of Public Works reports that SB 485 would provide municipalities within the jurisdiction of the Sanitation Districts of Los Angeles County with another option to address stormwater and urban runoff regulations. For example, in the San Gabriel and Los Angeles River Watersheds, many Enhanced Watershed Management

Program (EWMP) groups have proposed to divert dry weather and stormwater run-off to the sewer system. DPW indicates that SB 485 would enable the Sanitation Districts, with funding from EWMP group members, to install Low-Flow Diversions to nearby sewers in order to address dry-weather bacteria and other Total Maximum Daily Load requirements.

Lastly, the Department of Public Works recommends clarifications to the bill. First, DPW recommends that the language in SB 485 that describes the Flood Control District's purpose and infrastructure be revised and clarified. Second, DPW notes that SB 485, as currently drafted, appears to give the LACSD new powers which may overlap with those of the Flood Control District, specifically in reference to management and treatment of stormwater and dry weather runoff and the authority to construct projects for the beneficial use of water.

Conclusion

This office and the Department of Public Works recommend support for SB 485, and will work with the author and sponsor of the bill to clarify the bill language noted above.

This motion is consistent with the Board's action of June 25, 2013, which directed DPW to work in collaboration with the Sanitation Districts to evaluate, on a regional level, methods to address the treatment of urban runoff and to assess the governance system of the Sanitation Districts as a potential model to improve stormwater and urban runoff quality.

Approval of this motion is consistent with existing Board-approved policy to support legislation to increase the reliability of State and local water supplies with appropriate infrastructure and equitable funding levels utilizing the following principles: Local Water Reliability and Conservation, Protection and Improvement of Water Quality, New Water Supplies, Conveyance and Storage, Equitable Allocation Criteria for Regional Projects, Bond Funding and Appropriations consistent with other County principles, and Delta Sustainability.

SAH:MR
ACO:gl

c: Executive Office, Board of Supervisors
County Counsel